

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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VICTORIA N. GARCIA,	:	
	:	
Plaintiff,	:	
	:	22-CV-1912 (VSB)
-against-	:	
	:	<u>ORDER</u>
REBECCA MINKOFF LLC, et al.,	:	
	:	
Defendants.	:	
	:	
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VERNON S. BRODERICK, United States District Judge:

Plaintiff filed this action on March 4, 2022, (Doc. 1), and filed affidavits of service on July 7, 2022, (Docs. 25, 26). The deadline for Defendants Rebecca Minkoff LLC and Sunrise Brands LLC to respond to Plaintiff’s complaint was July 13, 2022. (*See* Docs. 25, 26.) On July 15, 2022, I ordered that if Plaintiff intended to seek a default judgment against Defendants, Plaintiff should do so in accordance with Rule 4(H) of my Individual Rules and Practices in Civil Cases by no later than July 22, 2022. (Doc. 33.) I warned Plaintiff, “If Plaintiff fails to do so or otherwise demonstrate that she intends to prosecute this litigation, I may dismiss this case for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).” (*Id.*) On July 15, 2022, Defendant Sunrise Brands LLC appeared and requested an extension of time to respond to the complaint. (Docs. 30, 31.) To date, Defendant Rebecca Minkoff LLC has not appeared or responded to the complaint.

On July 22, 2022, Plaintiff filed a proposed clerk’s certificate of default against Defendant Rebecca Minkoff LLC, and an affirmation in support. (Docs. 37, 38.) However, Plaintiff’s proposed clerk’s certificate of default was deficient, and Plaintiff did not comply with the other requirements of Rule 4(H) of my Individual Rules and Practices in Civil Cases.

Accordingly, if Plaintiff intends to seek a default judgment against Defendant Rebecca Minkoff LLC, she is directed to do so in accordance with Rule 4(H) of my Individual Rules and Practices in Civil Cases by no later than August 5, 2022. If Plaintiff fails to do so or otherwise demonstrate that she intends to prosecute this litigation against Defendant Rebecca Minkoff LLC, I will dismiss this case against Defendant Rebecca Minkoff LLC for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

SO ORDERED.

Dated: August 2, 2022
New York, New York



VERNON S. BRODERICK
United States District Judge